



12-03-03

1744

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Practice Limited to Intellectual Property Law

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Monday, December 01, 2003

VIA EXPRESS MAIL EV408203005US

EV408203005US

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

IN RE: APPLICATION OF:

Serial No.	10/041,070
Filed:	November 9, 2001
First Named Inventor:	Deanna Michelle Woods
Group Art Unit:	1744
Title:	New and Improved Sanitary Toothbrush
Office Action Date:	October 30, 2003
Examiner:	Randall E. Chin

Honorable Sir:

The undersigned is attorney of record for applicants Deanna Michelle Woods and Daniel Ferrante regarding the above matter. Enclosed for filing is Applicant's Response to Office Action 01, which issued a restriction pursuant to 35 U.S.C. §121. Applicants hereby elect Claims 1-4, drawn to a new and improved sanitary toothbrush.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Richard A. Catalina, Jr.

RICHARD A. CATALINA, JR.

mjo

RAC/HSN

Encl.

cc: Deanna Michelle Woods



RAC Jr (4462)
12/01/03
Our File No.: 01-11283-01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE TO OFFICE ACTION 01 ON
UTILITY PATENT APPLICATION**

IN RE: APPLICATION OF:

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DATE: December 01, 2003

To: Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Honorable Sir:

This Response to a restriction requirement is submitted in response to the Office Action dated October 30, 2003 having a one-month shortened statutory period for response set to expire on November 30, 2003. This Response is being filed within the one-month shortened statutory period for response.


Regarding the restriction requirement, applicants hereby elect Species 2), which is shown in Figure 5 and is readable on claims 1-4, with traverse. Claims 1-4 are drawn to a new and improved sanitary toothbrush.

Applicants traverse the restriction requirement because claims 1-15 of this application should all be examined together. It is believed that any search with respect to one of the groups of claims would overlap into the categories of search for the other groups of claims, and thus, in the interest of overall efficiency on the part of the Office and part of applicants and applicants' attorney, all the claims should most appropriately be examined together and issue in the same patent.

Notwithstanding the restriction requirement being traversed, applicants have made their provisional election. The Examiner has indicated that claim 1, currently, is generic.

Early examination and allowance of the application is respectfully solicited.

Submitted on behalf of Applicants
Deanna Michelle Woods and Daniel Ferrante

By: Richard A. Catalina, Jr.
RICHARD A. CATALINA, JR. (45,372) 
Attorney of record for Applicants

Dated: December 1, 2003

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

EXPRESS MAIL: EV408203005US

DATE OF DEPOSIT: December 1, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

Mary Jane Olsen
MARY JANE OLSEN

Dated: December 01, 2003